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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,471	07/15/2004	Itaru Saida	P25643	7890
7055	7590	03/16/2006		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER DOAN, ROBYN KIEU	
			ART UNIT 3732	PAPER NUMBER

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,471

Applicant(s)

SAIDA ET AL.

Examiner

Robyn Doan

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: The specification, page 19, line 6 recites fig. 1C, however, figure 1C is not provided in the drawings.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP Publication 60-227708 (IDS cited reference) in view of JP '350 (IDS cited reference).

With regard to claim 1, JP '708 discloses a hair brush (figs. 1 and 4) comprising a mechanism (9) for setting hair of a user, an electrostatic charger having a charging circuit (7, 5) and a charging member (6) electronically connected to the charging circuit, wherein when the charging member (6) being contact by the user, the charging member

supplies charges to the body of the user for electrostatic charges generated by a movement of the setting hair. JP '708 does not disclose the charging circuit generating a predetermined voltage and the charging member being in a form of a plate. JP '350 discloses a hair brush (fig. 1) comprising an electrostatic charger generating a predetermined voltage (translated abstract). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the predetermined voltage as taught by JP '350 into the electrostatic charger of JP '708 in order to provide positive or negative ions to the hair of the user. It would also have been an obvious matter of design choice to construct the charging member (6) as taught by JP '708 being a plate form, since such a modification would involve a mere change in the shape of a component. In regard to claim 6, JP '708 shows a grip (3) and wherein the charging plate (6) being provided on a surface of the grip (fig. 1). In regard to claims 7 and 8, JP '708 shows the charging plate (6) being made of an electrically conductive material (translated claim 1).

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over JP '708 in view of JP '350 as applied to claim 1 above, and further in view of Tsuji (U.S. Pat. # 4,936,027)

With regard to claim 9, JP '708 in view of JP '350 discloses a hair brush comprising all the claimed limitations in claim 1 as discussed above except for the mechanism for setting hair comprising a brush and a mechanism which dries the hair. Tsuji discloses a hair brush (30a, fig. 1) having a mechanism (20) which dries the hair. It

would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the mechanism to dry the hair as taught by Tsuji into the hair brush of JP '708 in view of JP '350 for the purpose of drying the hair of the user.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '708 in view of JP '350 as applied to claim 1 above, and further in view of Habibi (U.S. Pat. # 6,119,702).

With regard to claim 10, JP '708 in view of JP '350 discloses a hair brush comprising all the claimed limitations in claim 1 as discussed above except for the mechanism for setting hair having two pair of heating plates for gripping hair and a heater which heats the heating plates. Habibi discloses a hair styling system (fig. 1) comprising a mechanism for setting hair comprising two pair of heating plates (12, 10) for gripping hair and a heater (32, fig. 3A, col. 2, lines 64-67) heats the two plates. It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the pair of heating plates and a heater as taught by Habibi into the hair brush of JP '708 in view of '350 in order to provide a different style of hair to the user.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamura is cited to show the state of the art with respect to hair styling device.

The drawings filed 7/15/2004 have been approved by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
Examiner  
Art Unit 3732